

EXHIBIT C

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JIMMIE HARDAWAY, JR., et al.,

Plaintiffs,

v.

Case No.: 1:22-cv-771

KEVIN P. BRUEN, et al.,

Defendants.

DECLARATION

I, Rev. Dr. Jimmie Hardaway, Jr., hereby declare under penalty of perjury, that the following information is true to the best of my knowledge and state the following:

1. I am over 18 years old. I am competent to give this declaration. I am providing this declaration based on my personal knowledge and experience.
2. I am a citizen of the United States, and a resident and citizen of the State of New York, currently residing in Niagara Falls, New York. I am a current member of Firearms Policy Coalition, Inc., and the Second Amendment Foundation.
3. I am currently the Pastor of Trinity Baptist Church of Niagara Falls, New York. I officially began ministry at the age of 16, and I have been preaching the gospel to congregations across the country for over 47 years. I earned my Bachelor of Arts Degree from Canisius College with a dual major in Religious Studies and Sociology. I earned my Master of Ministry Degree from Andersonville Theological Seminary in Georgia. I have been awarded a Doctor of Divinity Degree (Honoris Causa) by Christ Theological Seminary in Yonkers, NY.

4. As Pastor of Trinity Baptist, I have the responsibility to establish the Church's policies and procedures, including its policies regarding concealed carry of firearms on the church premises.

5. I am not prohibited under state or federal law from acquiring or possessing firearms or ammunition.

6. I am currently licensed to carry a handgun pursuant to New York law with a license issued by Niagara County.

7. On July 1, 2022, the State enacted S51001, which implements expansive new criminal laws that ban the carry of firearms in so-called "sensitive locations." Among the new "sensitive locations," New York designated "any place of worship or religious observation" as a place where ordinary, law-abiding citizens can no longer carry firearms. N.Y. PENAL LAW § 265.01-e(2)(c) (together with related regulations, policies, practices, and customs implementing N.Y. PENAL LAW § 265.01-e(2)(c), the "Place of Worship Ban")

8. Prior to the enactment and enforcement of the Place of Worship Ban, I would consistently carry a firearm on Trinity Baptist Church's premises, whether it be while leading services, quietly praying in the pews, preparing a sermon in my office, or providing counseling to congregants. I would intend to keep carrying for self-defense and to keep the peace at Trinity Baptist Church, but now I cannot because of the enactment and enforcement of the Place of Worship Ban.

9. Trinity Baptist Church, like many places of worship, prides itself on being welcoming to allcomers who wish to participate in services or join the church community. But I know that this open-door policy carries with it the risk that I will not always know who will walk in the door for services, and I will not know if these strangers come with violent plans. I am

particularly worried about this because of the violence and crime that occurs in Trinity Baptist's neighborhood, especially in nearby Gluck Park.

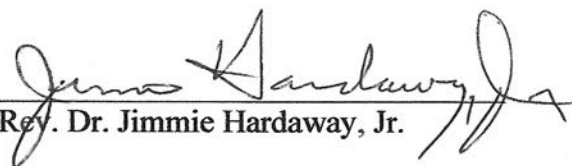
10. The horrific murders in Charleston's Emanuel African Methodist Episcopal Church in 2015 have only made my conviction to carry for self-defense and to keep the peace at Trinity Baptist stronger. Since that tragedy, I have almost always carried a firearm for self-defense on Sundays and at other services. When the Place of Worship Ban went into effect, I stopped. But I am firmly committed to defending my church to prevent anything like Charleston happening to our church community at Trinity Baptist. I would carry again but for the Place of Worship Ban and the threat of criminal penalties.

11. Prior to the enactment and enforcement of the Place of Worship Ban, I encouraged our parishioners to carry a firearm if they were licensed to do so. I would continue to permit them to carry on church property, but for the enactment and enforcement of the Place of Worship Ban.

12. Because of the Place of Worship Ban, I now have to disarm before coming to Trinity Baptist Church. By having to disarm in order to comply with the Place of Worship Ban, when I would not otherwise do so, I am left without the ability to defend myself on Trinity Baptist's premises, I have been stripped of the ability to keep the peace, and I am suffering diminished personal safety every time I go to church.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 14th day of October 2022.


Rev. Dr. Jimmie Hardaway, Jr.